

Claude David Baldwin
1212 Haig Circle
Virginia Beach, VA 23456-1613

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Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Renata Hesse:

I am writing to express my opinions on the proposed settlement between the Department of Justice and Microsoft Corporation.

Microsoft Corporation was found guilty at trial of having maintained an illegal operating system monopoly and of having illegally tied its Internet Explorer to its monopoly operating system. When Microsoft appealed the appellate court threw out the guilty verdict as pertains to the browser but said yes, Microsoft *did* in fact illegally *maintain* an operating system monopoly. In light of the appellate court finding I feel the proposed settlement between the Department of Justice and Microsoft Corporation is lacking in several key areas.

If the purpose of the settlement is to remove barriers illegally maintained by Microsoft to competition then I feel the following changes need to be made to the proposed settlement:

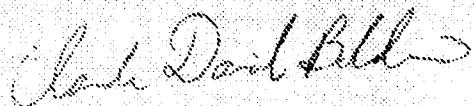
- 1 Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way. In my career I have purchased many computers each of which came supplied with Microsoft products although I do not, and have not for some time, use Microsoft products. I was given no option to purchase the computer hardware without the Microsoft products installed. Thus I paid Microsoft for products I had no intention of using. A "hidden" tax that went directly to Microsoft.
- 2 The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. By keeping these file formats secret and changing them frequently, Microsoft stifles competing programs.
- 3 Opening the Windows application program interface (called the API, the set of "hooks" that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. Microsoft has in the past only provided this information to its internal staff and close development partners thereby putting all other software developers at a disadvantage. Only by opening this interface will true competition be possible.
- 4 All Microsoft networking protocols must be published in full and approved by an *independent and international* network protocol body. Bodies such as the Internet Engineering Task Force (IETF), ECMA, or the

World Wide Web Consortium (W3W) are examples of such bodies. This would prevent Microsoft from seizing *de facto* control of the Internet.

In addition to these comments I would like to add that Microsoft has, in the past, agreed to certain restraints on its behavior and failed to do so. In any settlement there must be immediate and severe enforcement remedies to insure compliance with the terms of the agreement.

Thank you for the opportunity to comment on the proposed settlement between the Department of Justice and Microsoft. I hope you will take my comments into consideration. A level playing field is the only way this country can continue to innovate in the computer software industry and insure continued economic and national success.

Sincerely



Claude David Baldwin

PS: In light of the events of September 11, 2001 and the subsequent anthrax attacks via the United State Post Office I am also sending this letter by email to insure that you will receive it prior to the end of the comment period. I will send the email with my PGP signature. You may verify my signature at any of the public PGP keyservers, e.g. <http://certserver.pgp.com/>